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CITISTAFF SOLUTIONS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiff,

vs.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**[PROPOSED] ORDER GRANTING
DEFENDANT CITISTAFF SOLUTIONS,
INC.'S MOTION FOR SUMMARY
ADJUDICATION**

Date: October 23, 2019
Time: 2:00 p.m.
Courtroom: 2, 17th Floor
Judge: Hon. William H. Orrick

Trial Date: March 2, 2020
Complaint filed: October 16, 2017

Defendant Citistaff Solutions, Inc.'s ("Defendant") Motion for Summary Judgment, or in the alternative, summary adjudication, with respect to the First Amended Complaint for Damages filed by Plaintiffs Demetric Di-az, Owen Diaz and Lamar Patterson came on regularly for hearing before this Court on October 23, 2019, and all parties appeared by and through their respective counsel of record.

After carefully considering the parties' papers, their supporting declarations and exhibits, the record herein, arguments of counsel and all other matters presented to the Court,

IT IS HEREBY ORDERED that Defendant Citistaff Solutions, Inc.'s Motion for Summary Adjudication is granted for the following issues:

1. No genuine issue exists regarding Plaintiff's claim for Race Discrimination in Violation of 42 U.S.C. §1981;
2. No genuine issue exists regarding Plaintiff's claim for Race Harassment in Violation of 42 U.S.C. §1981;
3. No genuine issue exists regarding Plaintiff's claims for Retaliation in Violation of 42 U.S.C. §1981 and California Labor Code §1102.5;
4. No genuine issue exists regarding Plaintiff's claim for Failure to Investigate and Prevent Harassment and Discrimination in Violation of 42 U.S.C. §1981;
5. No genuine issue exists regarding Plaintiff's claim for violation of the Ralph Civil Rights Act (Cal. Civ. Code § 51.7);
6. No genuine issue exists regarding Plaintiff's claims for violation of the Bane Act (Cal. Civ. Code §§ 52.1(a) and (b));
7. No genuine issue exists regarding Plaintiff's claim for Negligent Infliction of Emotional Distress;
8. No genuine issue exists regarding Plaintiff's claim for Intentional Infliction of Emotional Distress;
9. No genuine issue exists regarding Plaintiff's claim for Negligent Hiring, Retention and Supervision;

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1 10. No genuine issue exists regarding Plaintiff's claim for Constructive Discharge in
2 violation of public policy; and

3 11. No genuine issue exists regarding Plaintiff's claim for punitive damages.
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6 IT IS SO ORDERED.
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8 Dated: _____, 2019

JUDGE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE
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